Registered No. M.—1175.

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The Mysore Gazette.

Vol. 61.] PUBLISHED BY AUTHORITY. [No. 10.

BANGALORE, THURSDAY, MARCH 11, 1926.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Fl. 4949—*Ex.* 11-23-104, *dated* 26*th February* 1926.

DANGEROUS DRUGS RULES.

In exercise of the powers conferred by Sections 5 and 13 of the Opium Act (I of 1878) and by Chapters III and IV and Sections 29 and 71 of the Mysore Excise Regulation, 1901 and of all other powers enabling them in that behalf, the Government of His Highness the Maharaja of Mysore are pleased to issue the following rules in supersession of all those hitherto in force, to regulate the manufacture, possession, import, export, transport and sale of Medicinal Opium, Morphine, Heroine and Cocaine in the Mysore State:—

These rules may be cited as the Mysore Dangerous Drugs Rules.

1. INTERPRETATION.

2. In these rules, unless there is something repugnant in the subject or context—

(*a*) "The Act" means the Opium Act, 1878.

(*b*) "Approved practitioner" means—

(i) any person registered as a medical practitioner under the Medical Act, 1858, and any Act of Parliament amending the same, or under any law for the registration of medical practitioners for the time being in force in any part of British India or in Mysore, or

(ii) any person registered as a dentist under the Dentists' Act, 1878, and any Act of Parliament amending the same, or

(iii) any person possessed of qualifications which render him eligible for registration as a medical practitioner or dentist, as the case may be, under

Medical Act, 1858, the Dentists' Act, 1878 and any Act of Parliament amending the same Acts, or under any law for the registration of medical practitioners or dentists for the time being in force, and approved by the Deputy Commissioner for the purpose of these rules, or

(iv) any other person engaged in medical or veterinary practice and approved by the Excise Commissioner.

(*c*) "Excise Commissioner" means the Excise Commissioner in Mysore.

(*d*) "Deputy Commissioner" means the Chief Officer in charge of the revenue administration of a district for the time being, and includes any officer specially authorised by the Government or Excise Commissioner to exercise throughout the State or in any specified area therein all or any of the powers of a Deputy Commissioner under these rules.

(*e*) "Licensed chemist" means a person who has obtained a license under these rules for the manufacture, possession and sale on prescription of dangerous drugs or any of them.

(*f*) "Licensed dealer" means a person who has obtained a license under these rules for the manufacture, possession and sale otherwise than on prescription of dangerous drugs or any of them.

(*g*) "Government" means the Government of His Highness the Maharaja of Mysore.

(*h*) "State" means every part of the territory of Mysore and includes all alienated villages and jahgirs within the State.

(*i*) "Prescription" means a prescription given by an approved practitioner for the supply of a dangerous drug or drugs to a patient, in accordance with these rules.

(*j*) "Medicinal Opium" means raw opium which has been heated to 60° centigrade and contains not less than 10 per cent of morphine, whether or not it be powdered or granulated or mixed with indifferent materials, and includes preparations and derivatives of the foregoing not being morphine or heroine.

(*k*) "Morphine" means the principal alkaloid of opium, having the chemical formula $C_{17}\ H_{19}\ NO_3$ and includes—

(i) all new derivatives of morphine or of its salts, and every other alkaloid of opium which may be shown by scientific research, generally recognised, to be liable to similar abuse and productive of like ill-effects,

(ii) all preparations (official or non-official, including the so-called anti-opium remedies) containing morphine or such derivatives or alkaloids as above.

(*l*) "Heroine" means diacetyl-morphine, having the chemical formula $C_{21}\ H_{23}\ NO_5$ and includes its salts and all preparations containing heroine.

(*m*) "Cocaine" means the principal alkaloid of Erythroxylon Coca, having the chemical formula $C_{17}\ H_{21}\ NO_4$ and includes—

(i) all parts of the coca plant,

(ii) all new derivatives of cocaine or of its salts which may be shown by scientific research, generally recognised, to be liable to similar abuse and productive of like ill-effects,

(iii) eucaine and every other preparation, synthetic or otherwise, which has a physiological effect similar to that of cocaine or which is declared by the Government to be included in the meaning of the term cocaine,

(iv) all preparations (official or non-official, including the so-called anti-opium remedies) containing cocaine or eucaine or such derivatives, salts, or preparations as above.

(*n*) "Dangerous Drug" includes medicinal opium, morphine, heroine and cocaine.

(*o*) "Ounce" means an ounce Troy-weight.

II. MANUFACTURE.

3. A licensed dealer or a licensed chemist may, subject to the conditions of his license, manufacture dangerous drugs from raw opium or from dangerous drugs lawfully possessed by him.

Note.—A licensed dealer or chemist desiring to use raw opium in the manufacture of dangerous drugs will also require the druggist's license mentioned in Rule XXI of the Opium Rules which will ordinarily be granted to him free of charge on application made by him to the Deputy Commissioner.

4. A licensed chemist may, subject to the provisions of rule 18, dispense dangerous drugs on prescription.

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III. POSSESSION.

5. Any person may possess such quantity of dangerous drugs as has been at one time dispensed and sold for his use in accordance with the provisions of Rules 4 and 18, or of corresponding rules for the time being in force in any part of British India.

6. An approved practitioner may possess for his use in his practice, but not for sale, not more than 120 grains of medicinal opium, 120 grains in the aggregate of morphine and heroine, and 240 grains of cocaine; provided that the Deputy Commissioner may, by special order, authorize any such practitioner to possess as aforesaid any larger quantity of any drug.

7. A person authorised in this behalf by the Deputy Commissioner by an order made under Rule 22 may possess such quantity of dangerous drugs in such manner as may be specified in such order.

8. A licensed dealer or licensed chemist may possess such quantity of dangerous drugs in such manner as may be specified in his license.

9. A person to whom a pass has been granted under these rules for the import, export, or transport of dangerous drugs may possess such quantity of dangerous drugs in such manner as may be specified in his pass.

IV. IMPORT, EXPORT, AND TRANSPORT.

10. Any person may import, export and transport such dangerous drugs as he may lawfully possess under Rule 5.

11. An approved practitioner may import, export and transport such quantity of dangerous drugs as he may lawfully possess under Rule 6.

12. A person to whom a pass has been granted under these rules for the import of dangerous drugs may import such quantity of dangerous drugs in such manner as may be specified in his pass.

13. When a pass has been granted (*a*) under the rules for the time being in force in any part of British India, or (*b*) by the Resident or Political Agent in any Indian State to bring dangerous drugs from any place in the Mysore State into such part or State, and when such pass has been countersigned by the Deputy Commissioner of the area from which the dangerous drugs are to be brought in accordance with the rules, a licensed dealer may, subject to the conditions of his license, export such quantity of dangerous drugs in such manner within such period and by such route as may be specified in such pass.

14. A person to whom a pass has been granted under these rules for the transport of dangerous drugs may transport such quantity of dangerous drugs in such manner as may be specified in his pass.

15. Every person importing, exporting or transporting dangerous drugs shall comply with such general or special directions as may be given by the Excise Commissioner.

16. Nothing in these rules shall be deemed to authorise—

(i) the import of dangerous drugs from, their export to, or their transport through any foreign territory or any part of British India or of any other State otherwise than in accordance with the laws, Regulations and rules in force in such territory, part or State regarding the export, import or transport (as the case may be) of the same,

(ii) the import, export and transport of dangerous drugs by post.

"In the case of imports into the State, permits signed by the Excise Commissioner and countersigned by the Secretary to the Resident in Mysore should be obtained.

An application for an import certificate should give (1) the name, address and business of the importer and the port of import, (2) the exact description and quantity of the drug to be imported, (3) the name and address of the firm in the exporting country from which the drug is to be obtained and (4) the purpose for which the drug is required."

V. SALE AND DISPENSING.

17. A licensed dealer may, subject to the conditions of his license, sell or supply otherwise than on prescription—

(*a*) to a dealer or chemist licensed under these rules or under the Regulations or rules for the time being in force in any part of British India,

(*b*) to an approved practitioner,

"(*c*) to a person authorized under Rule 22 of these rules or under any corresponding rules for the time being in force as aforesaid, dangerous drugs not exceeding the quantity which such dealer, chemist, or practitioner may lawfully possess.

"Provided that

(1) the drug shall not be delivered to any person not licensed or otherwise authorized to be in possession of the drug, who purports to be sent by or on behalf of a person so licensed or authorized, unless such person produces an authority in writing, signed by the person so licensed or authorized, to receive the drug on his behalf and unless the licensed dealer is satisfied that the authority is genuine,

(2) such drugs shall be sold only in packages or bottles plainly marked with the amount of the drugs in each package or bottle and

(3) any preparation, admixture, extract or other substance containing such drugs shall be sold only in packages or bottles plainly marked—

(*a*) in the case of a powder, solution or ointment, with the total amount thereof in each package or bottle and the percentage of the drug in the powder, solution or ointment.

(*b*) in the case of tablets or other articles with the amount of the drug in each article and the number of articles in the package or bottle.

18. A licensed chemist may sell dangerous drugs on prescription, subject to the following conditions, namely :—

(*a*) He shall sell dangerous drugs in such quantity and for the use of such person only as may be specified in the prescription.

(*b*) He shall in every case enter in the prescription, the date of dispensing, and shall sign or seal the prescription giving his name and address.

(*c*) If the prescription does not bear a superscription by an approved practitioner stating that it is to be repeated, and at what interval of time it is to be repeated, and how many times it is to be repeated, he shall dispense dangerous drugs once only on such prescription, and shall retain a copy of the prescription.

(*d*) If the prescription bears a superscription as aforesaid, but it appears that dangerous drugs have already been dispensed on the prescription three times or such number of times less than three as the prescription is required to be repeated, or that the interval specified in the superscription has not elapsed since the prescription was last dispensed, he shall not dispense dangerous drugs on such prescription unless it is further superscribed in that behalf by an approved practitioner.

(*e*) Every package or bottle containing cocaine dispensed by him shall be clearly marked with the quantity and percentage of cocaine contained in it.

(*f*) Any other conditions that may be contained in his license.

VI. Conditions relating to prescriptions.

19. A prescription for the supply of dangerous drugs must comply with the following conditions :—

(1) The prescription shall be given only on the prescribed "Official Form" annexed, copies of which can be purchased from any Taluk Cutcherry.

(2) The prescription must be in writing, must be dated and signed by the approved practitioner with his full name and address and must specify the name and address of the person to whom the prescription is given and the total amount of the drug to be supplied on the prescription.

(3) The prescription shall not be given for the use of the prescriber himself.

(4) A prescription shall only be given by a registered veterinary surgeon for the purpose of treatment of animals and shall be marked "For animal treatment only."

(5) A prescription shall only be given by a registered dentist for the purpose of treatment and shall be marked "For local dental treatment only."

(6) An approved practitioner shall not give any prescription for the supply of any of the drugs otherwise than in accordance with the foregoing conditions.

VII. Accounts.

20. Medical practitioners, registered dentists and registered veterinary surgeons shall maintain accounts in writing in the appended form in respect of dangerous drugs dispensed by them. Licensed dealers in dangerous drugs and licensed chemists shall maintain a written record of every sale of the drug in such manner as the Excise Commissioner in Mysore may direct.

FORM.

OFFICIAL FORM OF PRESCRIPTION.

(To be used whenever dangerous drugs are prescribed.)

(1) Name and address of the person to whom the prescription is issued.

(2) Description of dangerous drugs to be supplied.

(3) Amount of dangerous drug to be supplied.

(4) If to be repeated, how many times and at what interval of time.

Address.....
Date.....

Approved practitioner (Full name and signature).

Form of accounts to be maintained by the medical practitioners, registered dentists and registered veterinary surgeons for dangerous drugs dispensed by them.

Date	Purchased			Dispensed			
	Name and address of the person from whom purchased.	Description of dangerous drugs.	Quantity	Name and address of the person to whom dispensed.	Authority of the person to be in possession of dangerous drugs.	Description of the drugs dispensed	Quantity
1	2	3	4	5	6	7	8

VIII. APPROVAL, AUTHORISATION, LICENSES AND PASSES.

21. (1) The Excise Commissioner may approve, for the purposes of Rule 2 (*b*) of these rules, any person engaged in medical or veterinary practice.

(2) The Deputy Commissioner may in like manner approve any person possessed of the qualifications specified in Rule 2 (*b*) (iii).

22. The Deputy Commissioner may, with the sanction of the Excise Commissioner, by general or special order, authorise any approved practitioner in managing or supervising charge of a hospital or dispensary to possess, import, and transport such quantity of dangerous drugs in such manner as may be specified by him in that order.

23. (1) The Deputy Commissioner with the previous sanction of the Excise Commissioner may grant to any person, a dealer's license, permitting him to manufacture, possess and subject to the provisions of Rule 17 to sell dangerous drugs.

(2) The Deputy Commissioner may grant to any person a chemist's license, permitting him to manufacture, possess and subject to the provisions of Rule 18 to sell dangerous drugs or any of them; provided that such license shall not authorise such chemist to possess a greater quantity than 1,920 grains of medicinal opium, 1,920 grains in the aggregate of morphine and heroine, and 480 grains of cocaine.

24. The Deputy Commissioner may apply, through the proper channel, to the Hon'ble the Resident in Mysore, to grant to any licensed dealer or licensed chemist or approved practitioner a pass for the import from beyond the seas or for the import from or transport through British India or for the import from an Indian State of dangerous drugs not exceeding the quantity which such dealer or chemist or practitioner may lawfully possess.

25. When a pass has been granted (*a*) under the Regulations or rules for the time being in force in any part of British India, or (*b*) by the Resident or Political Agent in any Indian State to any person to bring dangerous drugs from a place in Mysore into that part or State, such person shall present such pass to the Deputy Commissioner of the area from which the dangerous drugs are to be brought, who shall enter therein the period for which the pass is to remain in force and the route by which and the person (if any) in whose charge the consignment is to be conveyed and the number and description of the packages and shall countersign the pass.

26. The Deputy Commissoner may grant to any licensed dealer or licensed chemist a pass for the transport of dangerous drugs, not exceeding the quantity which such dealer or chemist may lawfully possess.

27. Subject to the provisions of the Act and Regulation and of these rules, every license or pass under these rules shall be in such form and shall contain such particulars, and shall be granted by such officer on payment of such fees, for such period, and subject to such conditions, as the Excise Commissioner may direct.

28. (1) Subject to any directions that the Excise Commissioner may give in the behalf, the officer who has granted a license to, or has by order approved or authorised and person under these rules, may cancel or suspend such license or order—

(i) if such person has—

(*a*) failed to pay any duty or fee payable by him,

(*b*) by himself or by any servant or person acting on his behalf committed any breach of the conditions of such license or order or of these rules,

(*c*) been convicted of any offence under the Act, or Regulation or under the law for the time being in force relating to excise revenue, or of any criminal offence;

(ii) if it is a condition of such license or order that it may be cancelled or suspended at the will of such officer;

(iii) in any other case, after giving to such person fifteen days' notice,

and shall cancel such license or order within fifteen days on receiving from such person notice that he desires to surrender the same.

(2) When such license or order has been cancelled or suspended as aforesaid, such person shall forthwith make over to the Deputy Commissioner all dangerous drugs in his possession.

IX. Disposal of Dangerous Drugs and Confiscated Articles.

29. The Deputy Commissioner shall cause all dangerous drugs confiscated under the Act or Regulation or delivered to him under Rule 28 to be examined by the Chemical Examiner or by such other officer as the Excise Commissioner may direct. If any such drugs are certified by such officer to be fit for use, the Deputy Commissioner may sell them to any dealer or chemist licensed under these rules or under any rules for the time being in force in any part of British India or to any person authorised by an order under Rule 22 or any corresponding rules in force as aforesaid. The Deputy Commissioner may require any licensed dealer or chemist to purchase at such price as the Deputy Commissioner may direct any quantity of such drugs not exceeding such quantity as the Deputy Commissioner may determine to be ordinarily saleable by him in two months. If any such drugs are certified as aforesaid to be unfit for use, the Deputy Commissioner shall cause them to be destroyed.

30. The Deputy Commissioner shall dispose of all other things confiscated in connection with any offence relating to dangerous drugs in such manner as he may think fit.

X. Issue of Subsidiary Orders.

31. Subject to the provisions of the Act and Regulation and of these rules, the Excise Commissioner may, from time to time, give such directions as he may think fit for the purpose of carrying out the provisions of the rules.

XI. Rewards.

32. The provisions contained in the rules relating to opium issued by the Government under Sections 5 and 13 of the Opium Act, shall, in so far as they relate to rewards, apply to the case of dangerous drugs also.

33. Save as hereinbefore provided, or as permitted by exemptions notified by Government under the Opium Act, I of 1878 or under the Mysore Excise Regulation, 1901, as the case may be, the import, export, transport, manufacture, possession and sale of dangerous drugs are prohibited.

By Order,

B. Srinivasa Iyengar,

Secretary to Government,

Revenue Department.